



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/698,739

10/27/2000

Peyman Hojabri

68135469-205220 (P04329

6824

26689

7590

05/22/2003

WILDMAN, HARROLD, ALLEN & DIXON
225 WEST WACKER DRIVE
CHICAGO, IL 60606

EXAMINER

LEE, MICHAEL

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/698,739

Applicant(s)

HOJABRI, PEYMAN

Examiner

M. Lee

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 9, 12-20 and 24 is/are allowed.
- 6) ☒ Claim(s) 6-8, 10-11, 21-23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The appendix should either be included into the specification or delete from the file.

Appropriate correction is required.

Drawings

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 6-8, 10, 11, 21-23, 25 and 26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The multiplexed signal as claimed is neither be a machine, manufacture, or compositions of matter. If a claim defines a useful machine or manufacture by identifying the physical structure of the machine or manufacture in terms of its hardware or hardware and software combination, or a claim that requires one or more acts to be performed defines a process, it defines a statutory product. However, the multiplexed signal as claimed does not define any of those structures or processes. Hence, the claims are considered non-statutory.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 6-8, 10, 11, are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (5,786,864).

Regarding claims 6-8, 14, 10, 11, Yamamoto shows a multiplexer 136 for multiplexing different input signals (Figure 5). The multiple signals are stored or recorded on a store-and-forward transmission system 137. The input signals of the multiplexer can be any conventional electronic signals. To use the multiplexer to multiplex different input signals is considered an intended use of the invention because it is intended to multiplex different kinds of signals. Therefore, using Yamamoto to multiplex the contrast-controlled and gain-controlled video component, the gain-controlled OSD component, and the reference component as claimed is considered an intended use of the invention. It also should be noted that the moving picture data memory 134 is inherently contrast and gain controlled which clearly meets the contrast-controlled and gain-controlled video component representing a portion of a video image for display as a portion of a composite display image on a display device as claimed; the first to third caption-text data memories (131-133) are inherently gain controlled which clearly meet the gain-controlled OSD component representing a portion of an OSD image for display as another portion of said composite display image on said

Art Unit: 2614

display device as claimed. In addition, the moving picture data inherently includes inserted or multiplexed timing signals for indicating vertical and horizontal timings of the video signal. This signal clearly meets the reference component representing a blanked portion of said composite display image on said display device as claimed

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 21-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (5,786,864).

Regarding claims 21-23, 25 and 26, Yamamoto discloses all the features of the instant invention except the high frequency magnitude enhanced video component and OSD component as claimed. In the television art, in order to enhance the television picture displayed on a screen, it is common to employ a sharpen filter to enhance the high frequency components of the television signal both in the video picture and OSD image. By enhancing the high frequency components of a television signal, a sharper image can be obtained. As a matter of fact, such filter can be found in almost all video playback devices and television monitors. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to include sharpen filters into Yamamoto so that a better quality image can be obtained.

Allowable Subject Matter

8. Claims 1-5, 9, 12-20, 24 are allowed.
9. The following is a statement of reasons for the indication of allowable subject matter: Prior art does not teach the first control circuit, the first combining circuit, the second control circuit, and the second signal combining circuit as recited in claim 1, the receiving steps as recited in claim 9, the first control circuit, the first combining circuit, the second control circuit, and the second signal combining circuit, and the variable filter circuit as recited in claim 12, and the receiving steps as recited in claim 24.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shafer et al. (5,386,247) shows a multiplexing means.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is **703-305-4743**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **703-305-4795**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Art Unit: 2614

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to be 'M. Lee', written over the printed name.

M. Lee
Primary Examiner
Art Unit 2614

May 16, 2003